

104TH CONGRESS
2D SESSION

H. R. 3847

To establish the Drug Abuse Prevention and Treatment Administration, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 1996

Mr. BARTON introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To establish the Drug Abuse Prevention and Treatment
Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Drug Abuse Preven-
3 tion and Treatment Consolidation and Reorganization Act
4 of 1996”.

5 **TITLE I—DRUG ABUSE PREVEN-**
6 **TION AND TREATMENT AD-**
7 **MINISTRATION**

8 **SEC. 101. ESTABLISHMENT OF ADMINISTRATION.**

9 (a) IN GENERAL.—There is established within the
10 Department of Health and Human Services an independ-
11 ent agency to be known as the Drug Abuse Prevention
12 and Treatment Administration.

13 (b) APPOINTMENT OF ADMINISTRATOR.—The Ad-
14 ministration shall be headed by an official to be known
15 as the Administrator, who shall be appointed by the Presi-
16 dent by and with the advice and consent of the Senate.
17 The Administrator shall be appointed from among individ-
18 uals with extensive experience, expertise, and academic
19 qualifications in the prevention and treatment of sub-
20 stance abuse. The Secretary of Health and Human Serv-
21 ices shall carry out the programs and functions of the Ad-
22 ministration acting through the Administrator.

23 (c) DEPUTY; OTHER OFFICERS AND EMPLOYEES.—

24 (1) DEPUTY ADMINISTRATOR.—The Adminis-
25 trator may, with the approval of the Secretary, ap-
26 point a deputy administrator for the Administration.

1 (2) ASSOCIATE ADMINISTRATORS.—

2 (A) The Secretary shall appoint an official
3 to be known as the Associate Administrator for
4 Substance Abuse Prevention, who shall be ap-
5 pointed from among individuals with extensive
6 experience, expertise, and academic qualifica-
7 tions in the prevention of substance abuse.

8 (B) The Secretary shall appoint an official
9 to be known as the Associate Administrator for
10 Substance Abuse Treatment, who shall be ap-
11 pointed from among individuals with extensive
12 experience, expertise, and academic qualifica-
13 tions in the treatment of substance abuse.

14 (3) OTHER OFFICERS AND EMPLOYEES.—The
15 Administrator may appoint and fix the compensation
16 of such officers and employees as may be necessary
17 to carry out the programs and functions of the Ad-
18 ministration.

19 (d) DEFINITIONS.—For purposes of this Act:

20 (1) The term “Administration” means the Drug
21 Abuse Prevention and Treatment Administration.

22 (2) The term “Administrator” means the head
23 of the Administration.

1 **TITLE II—PROGRAMS AND FUNC-**
2 **TIONS OF ADMINISTRATION**

3 **Subtitle A—Transfers From Sub-**
4 **stance Abuse and Mental Health**
5 **Services Administration; Trans-**
6 **fers From Other Agencies**

7 **SEC. 201. TRANSFERS REGARDING PREVENTION AND**
8 **TREATMENT OF SUBSTANCE ABUSE.**

9 There are transferred to the Administration the fol-
10 lowing programs and functions:

11 (1) All programs that, on the day before the
12 date of the enactment of this Act, were administered
13 by the Center for Substance Abuse Prevention (es-
14 tablished in section 515 of the Public Health Service
15 Act); and all functions that, on such day, were vest-
16 ed in the Director of such Center.

17 (2) All programs contained in sections 507
18 through 513 of the Public Health Service Act that,
19 on the day before the date of the enactment of this
20 Act, were administered by the Center for Substance
21 Abuse Treatment (established in section 507 of the
22 Public Health Service Act); and all functions that,
23 on such day, were vested in the Director of such
24 Center.

1 (3) All responsibilities for the collection of data
2 under section 505 of the Public Health Service Act,
3 other than responsibilities relating to mental health.

4 (4) The program under subpart II of part B of
5 title XIX of the Public Health Service Act (relating
6 to block grants for the prevention and treatment of
7 substance abuse).

8 (5) Any other programs or functions under the
9 Public Health Service Act that relate to the preven-
10 tion or treatment of substance abuse and that, on
11 the day before the date of the enactment of this Act,
12 were administered by the Substance Abuse and Men-
13 tal Health Services Administration.

14 (6) All programs under the Safe and Drug-Free
15 Schools and Communities Act of 1994 (administered
16 by the Department of Education).

17 (7) With respect to subtitle B of title III of the
18 Anti-Drug Abuse Act of 1988—

19 (A) the program under chapter 1 of such
20 subtitle (relating to drug abuse and youth
21 gangs; and administered by the Administration
22 for Children and Families, Department of
23 Health and Human Services); and

24 (B) the program under chapter 2 of such
25 subtitle (relating to runaway and homeless

1 youth; and administered by the Administration
 2 for Children and Families, Department of
 3 Health and Human Services).

4 (8) Programs under the Public and Assisted
 5 Housing Drug Elimination Act of 1990 (adminis-
 6 tered by the Office of Public and Indian Housing,
 7 Department of Housing and Urban Development).

8 (9) Programs under the Drug-Free Public
 9 Housing Act of 1988 (administered by the Office of
 10 Public and Indian Housing, Department of Housing
 11 and Urban Development).

12 **Subtitle B—Additional Provisions**
 13 **Regarding Prevention and**
 14 **Treatment of Substance Abuse**

15 **SEC. 211. NATIONAL SUBSTANCE ABUSE PREVENTION PRO-**
 16 **GRAM.**

17 (a) IN GENERAL.—In addition to the programs and
 18 functions carried out pursuant to section 201, the Admin-
 19 istrator shall establish a program to coordinate the activi-
 20 ties of public and nonprofit private entities in order to pro-
 21 vide for an effective nationwide network for the prevention
 22 of substance abuse.

23 (b) GRANTS REGARDING COMMUNITY PLANS.—

24 (1) IN GENERAL.—In carrying out subsection

25 (a), the Administrator may make grants to public

1 and nonprofit private entities for the purpose of as-
2 sisting communities in developing and implementing
3 plans to coordinate the provision in the communities
4 of services for the prevention of substance abuse.

5 (2) COLLABORATION WITH COMMUNITY MEM-
6 BERS.—A grant under paragraph (1) may be made
7 only if the applicant for the grant agrees that, in de-
8 veloping and implementing the plan involved, the ap-
9 plicant will collaborate with the elementary and sec-
10 ondary schools of the community, with parents in
11 the community, with law-enforcement agencies, and
12 with other interested community organizations and
13 members of the community.

14 (3) EVALUATIONS.—The Administrator shall
15 provide for evaluations of activities carried out with
16 grants under paragraph (1), which shall include the
17 measurement of impact according to scientifically re-
18 liable common data indicators and evaluation proto-
19 cols.

20 **SEC. 212. COORDINATION WITH OFFICE OF NATIONAL**
21 **DRUG CONTROL POLICY.**

22 (a) IN GENERAL.—The Administrator shall collabo-
23 rate with the Director of the Office of National Drug Con-
24 trol Policy in order to coordinate the activities of the Ad-
25 ministration with the activities of such Office (including

1 activities carried out by such Director acting through the
 2 Deputy Director, Office of Demand Reduction).

3 (b) RULE OF CONSTRUCTION.—This Act may not be
 4 construed as affecting any of the authorities of the Office
 5 of National Drug Control Policy.

6 **Subtitle C—Funding**

7 **SEC. 221. AUTHORIZATION OF APPROPRIATIONS.**

8 For the purpose of carrying out the programs and
 9 functions of the Administration, there are authorized to
 10 be appropriated such sums as may be necessary for each
 11 of the fiscal years 1996 through 2002.

12 **TITLE III—ADVISORY COUNCIL;** 13 **PEER REVIEW**

14 **SEC. 301. ADVISORY COUNCIL.**

15 (a) IN GENERAL.—

16 (1) ESTABLISHMENT; GENERAL DUTIES.—The
 17 Secretary shall establish an advisory council to ad-
 18 vise, consult with, and make recommendations to the
 19 Secretary and the Administrator regarding programs
 20 for the prevention and treatment of substance abuse
 21 (referred to in this section as the “Council”).

22 (2) CERTAIN ACTIVITIES.—In carrying out
 23 paragraph (1)—

24 (A) the Council shall, pursuant to section
 25 302(d)(2), review applications submitted for

1 grants and cooperative agreements and rec-
2 ommend for approval applications for projects
3 that show promise of making valuable contribu-
4 tions to the mission of the Administration;

5 (B) the Council may collect, by correspond-
6 ence or by personal investigation, information
7 as to studies and services that are being carried
8 on in the United States or any other country
9 with respect to substance abuse; and with the
10 approval of the Administrator, make such infor-
11 mation available through appropriate publica-
12 tions for the benefit of public and private health
13 entities and health professions personnel and
14 for the information of the general public; and

15 (C) the Council may appoint subcommit-
16 tees and convene workshops and conferences.

17 (b) MEMBERSHIP.—

18 (1) IN GENERAL.—The Council shall consist of
19 nonvoting ex officio members and not more than 12
20 voting members appointed in accordance with para-
21 graph (3).

22 (2) EX OFFICIO MEMBERS.—The ex officio
23 members of the Council are as follows:

24 (A) The Secretary.

25 (B) The Administrator.

1 (C) The Under Secretary for Health of the
2 Department of Veterans Affairs.

3 (D) The Assistant Secretary for Defense,
4 Health Affairs.

5 (E) The Director of the Office of National
6 Drug Control Policy.

7 (F) Such other officers or employees of the
8 Federal Government as the Secretary deter-
9 mines to be appropriate.

10 (3) APPOINTED MEMBERS.—Individuals shall
11 be appointed to the Council under paragraph (1) as
12 follows:

13 (A) Twelve of the members shall be ap-
14 pointed by the Secretary from among the lead-
15 ing representatives of the health disciplines (in-
16 cluding public health and behavioral and social
17 sciences) relevant to the prevention and treat-
18 ment of substance abuse. In appointing such
19 members, the Secretary shall ensure that each
20 of such disciplines is represented by not fewer
21 than 4 members.

22 (B) Three of the members shall be ap-
23 pointed by the Secretary from the general pub-
24 lic and shall include leaders in fields of public

1 policy, public relations, law, health policy eco-
2 nomics, or management.

3 (4) COMPENSATION.—Members of the Council
4 who are officers or employees of the United States
5 shall not receive any compensation for service on the
6 Council. The remaining members of the Council
7 shall receive, for each day (including travel time)
8 they are engaged in the performance of the functions
9 of the Council, compensation at rates not to exceed
10 the daily equivalent of the maximum rate of basic
11 pay payable under the General Schedule (under title
12 5, United States Code) for positions above GS–15.

13 (c) TERMS OF OFFICE.—

14 (1) IN GENERAL.—The term of a member of
15 the Council appointed under subsection (b) is 4
16 years, except that any member appointed to fill a va-
17 cancy for an unexpired term shall serve for the re-
18 mainder of such term, and except that the initial ap-
19 pointments shall be made for such terms as will en-
20 sure that the memberships of individuals on the
21 Council do not all expire in the same year. A mem-
22 ber of the Council may serve after the expiration of
23 such member’s term until a successor has been ap-
24 pointed and taken office.

1 (2) REAPPOINTMENTS.—A member who has
2 been appointed to the Council for a term of 4 years
3 may not be reappointed to the Council during the 2-
4 year period beginning on the date on which the 4-
5 year term expired.

6 (3) TIME FOR APPOINTMENT.—If a vacancy oc-
7 curs in the membership of the Council appointed
8 under subsection (b), the Secretary shall make an
9 appointment to fill such vacancy during the 90-day
10 period beginning on the date on which the vacancy
11 occurs.

12 (d) CHAIR.—The Secretary shall designate a member
13 of the Council to serve as the Chair of the Council. The
14 individual so designated shall be a member appointed
15 under subsection (b), or shall be the Administrator. The
16 term of the Chair is 2 years.

17 (e) MEETINGS.—The Council shall meet at the call
18 of the Chair or upon the request of the Administrator,
19 except that the Council shall meet not less than three
20 times during each fiscal year. The location of the meetings
21 of the Council shall be subject to the approval of the Ad-
22 ministrator.

23 (f) EXECUTIVE SECRETARY AND STAFF.—The Ad-
24 ministrator shall designate a member of the staff of the
25 Administration to serve as the executive secretary of the

1 Council. The Administrator shall make available to the
2 Council such staff, information, and other assistance as
3 it may require to carry out its functions.

4 **SEC. 302. PEER REVIEW.**

5 (a) IN GENERAL.—The Secretary, after consultation
6 with the Administrator, shall by regulation require appro-
7 priate peer review of grants or cooperative agreements to
8 be administered through the Administration.

9 (b) MEMBERS.—The members of a peer review group
10 established pursuant to subsection (a) shall be individuals
11 who by virtue of their training or experience are eminently
12 qualified to perform the review functions of the group. Not
13 more than 25 percent of the members of such a group
14 may be officers or employees of the United States.

15 (c) REQUIREMENTS.—Regulations promulgated pur-
16 suant to subsection (a)—

17 (1) shall require that the reviewing entity be
18 provided a written description of the matter to be re-
19 viewed;

20 (2) shall require that the reviewing entity pro-
21 vide the Council with such description and the re-
22 sults of the review by the entity; and

23 (3) may specify the conditions under which lim-
24 ited exceptions may be granted to the limitations

1 contained in the last sentences of subsection (b) and
 2 subsection (d).

3 (d) RECOMMENDATIONS.—

4 (1) IN GENERAL.—If the direct cost of a grant
 5 or cooperative agreement to be administered through
 6 the Administration does not exceed \$50,000, the
 7 Secretary may make such grant or cooperative
 8 agreement only if such grant or cooperative agree-
 9 ment is recommended after peer review required by
 10 regulations under subsection (a).

11 (2) ROLE OF ADVISORY COUNCIL.—If the direct
 12 cost of a grant or cooperative agreement to be ad-
 13 ministered through the Administration exceeds
 14 \$50,000, the Secretary may make such grant or co-
 15 operative agreement only if such grant or coopera-
 16 tive agreement is recommended—

17 (A) after peer review required by regula-
 18 tions under subsection (a); and

19 (B) by the council under section 301.

20 **TITLE IV—MISCELLANEOUS** 21 **AUTHORITIES**

22 **SEC. 401. MISCELLANEOUS AUTHORITIES.**

23 (a) FACILITIES.—The Secretary, in carrying out this
 24 Act—

1 (1) may acquire, without regard to the Act of
2 March 3, 1877 (40 U.S.C. 34), by lease or otherwise
3 through the Administrator of General Services,
4 buildings or portions of buildings in the District of
5 Columbia or communities located adjacent to the
6 District of Columbia for use for a period not to ex-
7 ceed 10 years; and

8 (2) may acquire, construct, improve, repair, op-
9 erate, and maintain laboratory, research, and other
10 necessary facilities and equipment, and such other
11 real or personal property (including patents) as the
12 Secretary deems necessary.

13 (b) UTILIZATION OF CERTAIN PERSONNEL AND RE-
14 SOURCES.—

15 (1) DEPARTMENT OF HEALTH AND HUMAN
16 SERVICES.—The Administrator, in carrying out this
17 Act, may utilize personnel and equipment, facilities,
18 and other physical resources of the Department of
19 Health and Human Services, permit appropriate (as
20 determined by the Secretary) entities and individuals
21 to utilize the physical resources of such Department,
22 and provide technical assistance and advice.

23 (2) OTHER AGENCIES.—The Administrator, in
24 carrying out this Act, may use, with their consent,
25 the services, equipment, personnel, information, and

1 facilities of other Federal, State, or local public
2 agencies, or of any foreign government, with or with-
3 out reimbursement of such agencies.

4 (c) CONSULTANTS.—The Secretary, in carrying out
5 this Act, may secure, from time to time and for such peri-
6 ods as the Administrator deems advisable but in accord-
7 ance with section 3109 of title 5, United States Code, the
8 assistance and advice of consultants from the United
9 States or abroad.

10 (d) EXPERTS.—

11 (1) IN GENERAL.—The Secretary may, in car-
12 rying out this Act, obtain the services of not more
13 than 15 experts or consultants who have appropriate
14 scientific or professional qualifications.

15 (2) CERTAIN EXPENSES.—

16 (A) Experts and consultants whose services
17 are obtained under paragraph (1) shall be paid
18 or reimbursed for their expenses associated with
19 traveling to and from their assignment location
20 in accordance with sections 5724, 5724a(a)(1),
21 5724a(a)(3), and 5726(c) of title 5, United
22 States Code.

23 (B) Expenses specified in subparagraph
24 (A) may not be allowed in connection with the
25 assignment of an expert or consultant whose

1 services are obtained under paragraph (1) un-
 2 less and until the expert agrees in writing to
 3 complete the entire period of assignment, or one
 4 year, whichever is shorter, unless separated or
 5 reassigned for reasons that are beyond the con-
 6 trol of the expert or consultant and that are
 7 acceptable to the Secretary. If the expert or
 8 consultant violates the agreement, the money
 9 spent by the United States for the expenses
 10 specified in subparagraph (A) is recoverable
 11 from the expert or consultant as a debt of the
 12 United States. The Secretary may waive in
 13 whole or in part a right of recovery under this
 14 subparagraph.

15 (e) VOLUNTARY AND UNCOMPENSATED SERVICES.—
 16 The Administrator, in carrying out this Act, may accept
 17 voluntary and uncompensated services.

18 **TITLE V—DISPOSITION OF RE-**
 19 **MAINING PROGRAMS AND**
 20 **FUNCTIONS OF SUBSTANCE**
 21 **ABUSE AND MENTAL HEALTH**
 22 **SERVICES ADMINISTRATION**

23 **SEC. 501. REMAINING DISPOSITIONS.**

24 (a) MENTAL HEALTH SERVICES.—All programs and
 25 functions of the Substance Abuse and Mental Health Serv-

ices Administration that are not transferred under section 201 are transferred to the Health Resources and Services Administration of the Department of Health and Human Services.

(b) **TERMINATION.**—Effective immediately after the transfers made in subsection (a) and in sections 201, 601, and 602, the Substance Abuse and Mental Health Services Administration is terminated.

TITLE VI—GENERAL PROVISIONS

SEC. 601. TRANSITIONAL AND SAVINGS PROVISIONS REGARDING PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.

(a) **PERSONNEL.**—Personnel employed in connection with the programs and functions specified in section 201 on the day before the date of the enactment of this Act are transferred to the Administration.

(b) **FUNDS.**—Amounts available for the programs and functions specified in section 201 on the day before the date of the enactment of this Act are transferred to the Administration. Such transfer does not affect the period of availability of the amounts, or the availability of the amounts with respect to the purposes for which the amounts may be expended.

1 (c) OTHER TRANSFERS.—In the case of legal rights
 2 and duties not transferred in subsection (a) or (b), all such
 3 rights and duties in effect with respect to the programs
 4 and functions specified in section 201 on the day before
 5 the date of the enactment of this Act are transferred to
 6 the Administration (except to the extent that such rights
 7 or duties were vested in a different department than the
 8 department that was administering the program on such
 9 day).

10 (d) SAVINGS PROVISION.—All legal rights and duties
 11 transferred under this section continue in effect in accord-
 12 ance with their terms.

13 **SEC. 602. TRANSITIONAL AND SAVINGS PROVISIONS RE-**
 14 **GARDING MENTAL HEALTH SERVICES.**

15 Section 601 applies with respect to programs and
 16 functions specified in section 501(a) to the same extent
 17 and in the same manner as section 601 applies with re-
 18 spect to programs and functions specified in section 201,
 19 except that all transfers pursuant to this section are made
 20 to the Health Resources and Services Administration.

21 **SEC. 603. CONFORMING AMENDMENTS.**

22 The Public Health Service Act (42 U.S.C. 201 et
 23 seq.) is amended—

24 (1) in section 501(a)—

1 (A) by striking “(a) ESTABLISHMENT.—
2 The” and inserting the following:

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The”; and

5 (B) by adding at the end the following
6 paragraph:

7 “(2) TRANSFER OF CERTAIN PROGRAMS AND
8 FUNCTIONS.—This title is subject to the provisions
9 of the Drug Abuse Prevention and Treatment Con-
10 solidation and Reorganization Act of 1996.”;

11 (2) in section 1911(a), by striking “, acting
12 through the Director of the Center for Mental
13 Health Services,”;

14 (3) in section 1921(a), by striking “, acting
15 through the Center for Substance Abuse Treat-
16 ment,”; and

17 (4) in section 1932—

18 (A) in subsection (b), by striking para-
19 graph (3); and

20 (B) in subsection (d)(1), by striking “the
21 Secretary, acting through” and all that follows
22 through “shall” and inserting “the Secretary
23 shall”.

1 **SEC. 604. EFFECTIVE DATE.**

2 This Act takes effect upon the expiration of the 45-
3 day period beginning on the date of the enactment of this
4 Act.

